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Attorney for Plaintiff  
5

6  
7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF NEVADA**

9 ROSALIE SCALAFANI, )  
10 )  
Plaintiff, )  
11 vs. )  
12 )  
MGM GRAND HOTEL, LLC, )  
13 )  
Defendant. )  
14 )  
15 )  
\_\_\_\_\_

16  
17 **COMPLAINT**  
18 **(Jury Demanded)**

19 COMES NOW Plaintiff and complains of Defendant as follows:  
20

21 **First Cause of Action**  
22 **(Disability Discrimination)**

23 I.

24 This is an employment discrimination action based on the Americans With  
25 Disabilities Act (ADA) and Title VII. The Plaintiff alleges she is a qualified  
26 individual with a disability and was denied an accommodation and terminated  
27 because of her disability, was discriminated against and terminated because of her  
28 sex, female, and was terminated in retaliation for complaining about discrimination

1 and for requesting an accommodation. Jurisdiction and venue are based upon the  
2 ADA.

3 II.

4 The Plaintiff is a resident of Clark County, Nevada and is a qualified  
5 individual with a disability, a weaken immune system due to lymphoma. The  
6 Defendant is a Limited Liability Corporation doing business as the MGM Grand  
7 Hotel, and at all times herein was Plaintiff's employer.

8 III.

9 The Plaintiff worked for the Defendant as a security guard from March 27,  
10 2017 until March 1, 2020, when she was suspended and constructively terminated.  
11 Prior to her termination the Plaintiff requested to wear a mask when she was  
12 working around customers and co-workers as an accommodation to protect her  
13 weakened immune system from COVID.

14 IV.

15 Instead of granting that accommodation or entering into the interactive  
16 process to determine whether another accommodation might be more appropriate,  
17 the Defendant refused the Plaintiff's request and subsequently suspended and  
18 constructively terminated her.

19 V.

20 The Defendant violated the ADA by refusing to accommodate her disability,  
21 by failing to enter into the interactive process, and by constructively terminating  
22 her. The Plaintiff filed a charge of discrimination with the EEOC and a copy of  
23 that charge is attached hereto and the facts asserted therein are hereby incorporated  
24 by reference.

25 VI.

26 A right to sue letter based upon her charge has been obtained and this  
27 lawsuit has been filed within 90 days of receipt of that letter.

VII.

As a direct result of the Defendant's discriminatory acts the Plaintiff has suffered financial loss, physical injuries and emotional distress based upon those injuries. The above described acts of Defendant were willful and done with a conscious disregard for Plaintiff's federally protected rights.

**Second Cause of Action**  
(Sex Discrimination)

VIII.

The Plaintiff repleads and realleges the allegations contained in paragraphs I through VII above as though fully set forth herein.

IX.

The Defendant's supervisors made sexual and derogatory sexist comments about the Plaintiff and failed to discipline these supervisors when she complained about the comments. This discriminatory and disparate treatment, including failing to consider her request for an accommodation, resulted in her suspension and constructive discharge.

X.

The above describe conduct constitutes a violation of Title VII and the Plaintiff has been harmed as a direct result of such conduct.

**Third Cause of Action**  
(Retaliation)

XI.

The Plaintiff repleads and realleges the allegations contained in paragraphs I through IX above as though fully set forth herein.

XII.

The Defendant retaliated against the Plaintiff because she complained about sexual discrimination and because she requested an accommodation and the Plaintiff has been harmed as a direct result of said acts in violation of the ADA and Title VII.

WHEREFORE Plaintiff prays for the following relief:

1. Reinstatement, with full backpay, benefits, seniority and prejudgment interest;
2. Front pay, if reinstatement is not practicable;
3. Compensatory damages in the amount of \$300,000;
4. Punitive damages in the amount of \$300,000;
5. Attorney's fees and costs of suit; and
6. Such other and further relief as the Court may wish to entertain.

DATED this 30<sup>th</sup> day of April, 2021.



RICHARD SEGERBLOM, ESQ.  
701 E. Bridger Ave, Ste. 520  
Las Vegas, Nevada 89101  
rsegerblom@lvcoxmail.com  
Attorney for Plaintiff

EEOC Form 5 (11/09)

|  |  |  |                                    |
|--|--|--|------------------------------------|
| <b>CHARGE OF DISCRIMINATION</b><br>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.   |  | Charge Presented To: Agency(ies) Charge No(s):<br><input type="checkbox"/> FEPA<br><input checked="" type="checkbox"/> EEOC <b>487-2020-01812</b>        |                                    |
| <b>NEVADA EQUAL RIGHTS COMMISSION</b> and EEOC<br><i>State or local Agency, if any</i>   |  |  |                                    |
| Name (indicate Mr., Ms., Mrs.)<br><b>ROSALIE SCLAFANI</b>  |  | Home Phone<br><b>(702) 896-1745</b>  | Year of Birth<br><b>1983</b>       |
| Street Address City, State and ZIP Code<br><b>1104 RED SEA ST, HENDERSON, NV 89002</b>   |  |  |                                    |
| Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)   |  |  |                                    |
| Name<br><b>MGM GRAND HOTEL INC</b>   |  | No. Employees, Members<br><b>501+</b>  | Phone No.<br><b>(702) 891-1111</b> |
| Street Address City, State and ZIP Code<br><b>3799 LAS VEGAS BLVD S, LAS VEGAS, NV 89109</b>   |  |  |                                    |
| Name   |  | No. Employees, Members   | Phone No.                          |
| Street Address City, State and ZIP Code  |  |  |                                    |
| DISCRIMINATION BASED ON (Check appropriate box(es).)<br><input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN<br><input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION<br><input type="checkbox"/> OTHER (Specify)   |  | DATE(S) DISCRIMINATION TOOK PLACE<br>Earliest Latest<br><b>03-01-2020 03-01-2020</b><br><input type="checkbox"/> CONTINUING ACTION                       |                                    |
| THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).<br><b>On or about March 27, 2017, I was hired by MGM GRAND HOTEL as a Security Officer. My last position held was Security Officer. In or around December 2018, I was sexually harassed by William Pegg, Area Security Manager, with actions such as but not limited to; making comments about my breasts. In or around August 2019 I was harassed by Esteban Gardener, Assistant Manager, with actions such as but not limited to; taking a picture of me while eating and showing other employees while calling me a fat *ss. On or around January 31, 2020, I asked to be able to wear a mask during my shift because of my disability. I was denied although I had been wearing a mask throughout my shifts on many occasions. Thereafter, I was constructively discharged on or about March 1, 2020.</b><br><br><b>I believe I was discriminated against because of my sex, Female, in violation of Title VII of the Civil Rights Act of 1964, as amended.</b><br><br><b>I believe I was discriminated against because of my disability in violation of the Americans</b> |  |  |                                    |
| I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.  |  | NOTARY - When necessary for State and Local Agency Requirements  |                                    |
| I declare under penalty of perjury that the above is true and correct.   |  | I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.<br>SIGNATURE OF COMPLAINANT |                                    |
| <b>Digitally signed by Rosalie Sclafani on 10-21-2020 12:57 PM EDT</b>   |  | SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE<br>(month, day, year)  |                                    |

EEOC Form 5 (11/09)

|  |  |
|--|--|
| <p align="center"><b>CHARGE OF DISCRIMINATION</b></p> <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p> | <p>Charge Presented To: Agency(ies) Charge No(s):</p> <p><input type="checkbox"/> FEPA</p> <p><input checked="" type="checkbox"/> EEOC <b>487-2020-01812</b></p> |
| <p align="center"><b>NEVADA EQUAL RIGHTS COMMISSION</b> and EEOC</p> <p align="center"><i>State or local Agency, if any</i></p>  |  |
| <p><b>with Disabilities Act of 1990, as amended.</b></p>   |  |

|  |   |
|--|---|
| <p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> | <p>NOTARY - <i>When necessary for State and Local Agency Requirements</i></p>   |
| <p>I declare under penalty of perjury that the above is true and correct.</p> <p align="center"><b>Digitally signed by Rosalie Sclafani on 10-21-2020<br/>12:57 PM EDT</b></p>   | <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE<br/>(month, day, year)</p> |

EEOC Form 161 (11/2020)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Rosalie Sclafani**  
**1104 Red Sea St**  
**Henderson, NV 89002**

From: **Las Vegas Local Office**  
**333 Las Vegas Blvd South**  
**Suite 5560**  
**Las Vegas, NV 89101**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**487-2020-01812**

**Michael L. Mendoza,**  
**Supervisory Investigator**

**(702) 553-4466**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

**MICHAEL**  
**MENDOZA**

Digitally signed by MICHAEL MENDOZA  
 DN: c=US, o=U.S. Government, ou=Equal  
 Employment Opportunity Commission,  
 cn=MICHAEL MENDOZA,  
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 Date: 2021.02.08 09:04:48 -08'00'

On behalf of the Commission

for

Enclosures(s)

**Tamara M. West,**  
**Local Office Director**

(Date Issued)

CC:

**Michelle Ponchock**  
**Legal Executive Assistant**  
**MGM GRAND (MGM Grand Hotel, LLC dba)**  
**6385 S. Rainbow Blvd**  
**Suite 500**  
**Las Vegas, NV 89118**

**Richard Segerblom, Esq.**  
**701 E. Bridger Ave. Ste. 520**  
**Las Vegas, NV 89101**

